

Guzman, Andrea (CAT)

From: Guzman, Andrea (CAT) on behalf of CityAttorney
Sent: Wednesday, April 11, 2018 4:20 PM
To: 'Allen Grossman'
Subject: RE: March 30, 2018 IMMEDIATE DISCLOSURE Public Records Request
Attachments: 2018-01-19.pdf; 2018-02-27 CCSF's MPA ISO Opposition.pdf; 2018-02-27 SFCTA Oppo to Petition for Writ.pdf; Bike Plan- CCSFs Opposition.pdf; Bike Plan- CCSFs Request for Judicial No.pdf; November 7_1989 voter pamphlet Prop B.pdf; TA Contract CAO Executed_2016-2017.pdf

Mr. Allan Grossman,

I am writing in response to your immediate disclosure request received March 30, 2018. Attached are the records responsive to your request. Any other responsive records would be exempt from disclosure under the attorney-client privilege and attorney work product doctrine. See Cal. Evid. Code § 954; Cal. Gov't Code §§6254(k), 6276.04; Cal. Code Civ. Proc. § 2018.030.

If you have any other questions or concerns, please feel free to contact us at the information below.

Best,

Andrea Guzman
Deputy Press Secretary

OFFICE OF CITY ATTORNEY DENNIS HERRERA
San Francisco City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4682
andrea.guzman@sfcityatty.org
(415) 554-4653 Direct
(415) 554-4700 Reception
(415) 554-6770 TTY

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From: Allen Grossman <sfufc@mac.com>
Sent: Tuesday, April 10, 2018 3:10 PM
To: CityAttorney <cityattorney@SFCITYATTY.ORG>
Subject: Fwd: March 30, 2018 IMMEDIATE DISCLOSURE Public Records Request

Dear Ms. Guzman,

Today is the 12th day since we submitted our IDR on March 30. Even with the extension you wrongly invoked, a full response to the IDR was due yesterday. It is apparent that the City Attorney somehow believes he is not subject to the CPRA or the San Francisco Sunshine Ordinance. If a complete response is not received by this

Thursday, April 12, 2018, the failure to respond can only be “willful” with all that a “willful failure” implicates under the San Francisco Sunshine Ordinance.

Allen Grossman

Begin forwarded message:

From: Allen Grossman <sfufc@mac.com>
Subject: Re: March 30, 2018 IMMEDIATE DISCLOSURE Public Records Request
Date: April 3, 2018 at 11:55:52 AM PDT
To: CityAttorney <cityattorney@SFCITYATTY.ORG>

Dear Ms. Guzman,

The CPRA Section 6253(c) extension on which you rely to invoke an extension of the period for a response to our IDR - namely “the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records” is not available under Section 67.25(b) of the San Francisco Sunshine Ordinance. That subsection provides:

"(b) **If the voluminous nature of the information requested**, ... warrants an extension of 10 days as provided in Government Code Section 6456.1 [now CPRA Section 6253(c)], the requester shall be notified ..."

Thus, the City Attorney has invoked an extension not available to it. Moreover, I would guess that the support for statements made by the City Attorney in the Good Government Guide such as the one quoted in our IDR is maintained in a single electronic folder or paper file, which would be the best practice.

Accordingly, please comply with the IDR provisions in Section 67.25(a) of the San Francisco Sunshine Ordinance without further delay.

Thank You,
Allen Grossman

On Apr 2, 2018, at 4:53 PM, CityAttorney <cityattorney@SFCITYATTY.ORG> wrote:

Mr. Allen Grossman,

I am writing in response to your immediate disclosure request received March 30, 2018. Please note that we are invoking an extension of time under Government Code section 6253(c) due to the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records. We will endeavor to process your request as quickly as possible and anticipate responding no later than the close of business April 16, 2018.

Best,

Andrea Guzman
Deputy Press Secretary

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1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4682

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From: Allen Grossman <sfufc@mac.com>
Sent: Friday, March 30, 2018 11:28 AM
To: CityAttorney <cityattorney@SFCITYATTY.ORG>
Subject: IMMEDIATE DISCLOSURE Public Records Request

March 30, 2018

Public Information Officer
Office of the San Francisco City Attorney

This is an IMMEDIATE DISCLOSURE REQUEST (pursuant to Section 67.25(a) of the San Francisco Sunshine Ordinance) under the applicable provisions of the San Francisco Sunshine Ordinance for copies off the following records in any form or media regarding or relating to the San Francisco County Transportation Authority (SFCTA), to wit:

Any formal or informal opinions or any memoranda or any other record to the effect that the SFCTA is a San Francisco County agency, but not an agency of the City and County of San Francisco, as stated on page 85 of the City Attorney's Good Government Guide:

"Certain public agencies that have some connection to the City or are physically located within the City are nonetheless legally distinct from City government and are not subject to the Sunshine Ordinance, which is binding only on City government. Among these agencies are the ... *San Francisco County Transportation Authority*... Such agencies are subject only to the Public Records Act, the Brown Act, and, in some cases, other State laws governing public meetings and public

records specific to the agency. But, although the Sunshine Ordinance does not of its own force apply to them, these agencies may choose to follow some or all of its requirements, and some of them have.” [Emphasis Added.]

If the requested records are kept electronically or in PDF format, please send them in their original format by email to my email address (grossman356@mac.com). If the records are kept in some other format, please scan the relevant page(s) to PDF format and send them by email to my email address.

If you have any question regarding this request, please feel free to contact me by telephone at (415) 831-3720.

Thank You,

Allen Grossman